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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,400	04/27/2006	Masahiro Chiba	0033-1079PUS1	1250

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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2451

NOTIFICATION DATE	DELIVERY MODE
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04/13/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/577,400	Applicant(s) CHIBA ET AL.	
	Examiner BACKHEAN TIV	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/09, 2/26/10</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Claims 45-62 are pending in this application. Claims 1-44 were cancelled on 4/27/06.

This is a response to the Remarks filed on 7/27/09.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/29/09, 2/26/10 has been considered.

Content of Specification

It is recommended by the examiner that the applicant amend the specification to include the applicable headings.

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),

and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements,

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compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Objections

Claims 45-62 objected to because of the following informalities:

As per claims 45-62 recites, "editing/creating", the "/" is an or and. It is recommend that the applicant amend the claims to either "or" or "and".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 45-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,993,553 issued to Kaneko et al.(Kaneko) in view of US Publication 2004/0243688 issued to Wugofski.

As per claim 45 Kaneko teaches a data processing device comprising: an obtaining unit obtaining first data being message data or template data including a plurality of items of information forming message creation supporting information used when creating the message data (col.10, lines 31-46); a message editing/creating unit using the information forming said message creation supporting information among said plurality of items of the information included in said obtained first data(Fig.3-13, col.10, lines 47-62), thereby editing the information forming said message information in the information included in said first data(Fig.3-13, col.10, lines 47-62), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message information(Fig.3-13, col.10, lines 47-62), wherein each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message information(Fig.3-13, col.10, lines 47-62).

Kaneko does not explicitly teach message browsing information used for browsing the message data.

Wugofski teaches message browsing information used for browsing the message data(Fig.4, para.0021).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kaneko to include message browsing information used for browsing the message data as taught by Wugofski in order to create messages using a mobile terminal(Wugofski, para.0002).

One ordinary skill in the art would have been motivated to combine the teachings of Kaneko and Wugofski in order to create messages using a mobile terminal(Wugofski, para.0002).

As per claim 46, the data processing device according to claim 45, wherein said first data is message data, and includes one or more media data being a component of said message browsing information(Wugofski, para.0021), said message creation supporting information includes information specifying editable media data among said one or more media data, and said message editing/creating unit accepts the edition of the specified editable media data among said one or more media data by using said message creation supporting information(Kaneko, Fig.3-13, col.10, lines 47-62). Motivation to combine set forth in claim 45.

As per claim 47, the data processing device according to claim 45, wherein said first data is data described using tags, said tags include a tag indicating that the data is a component of said message creation supporting information, and said message editing/creating unit uses the tag indicating that the data is the component of said message creation supporting information, and thereby determines the information

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forming said message creation supporting information included in said first data(Kaneko, Fig.43, col.4, lines 49-63; tags are used to define structure and meaning). Therefore it is obvious to one ordinary skill in the art to use tags for message creation in order to define a certain type of structure for a message.

As per claim 48, the data processing device according to claim 45, wherein said first data is data described using tags, said tags include a tag indicating that the data is other than a component of said message creation supporting information, and said message editing/creating unit uses the tag indicating that the data is other than the component of said message creation supporting information, and thereby determines the information forming said message creation supporting information included in said first data(Kaneko, Fig.43, col.4, lines 49-63; tags are used to define structure and meaning). Therefore it is obvious to one ordinary skill in the art to use tags for message creation in order to define a certain type of structure for a message.

As per claim 49, the data processing device according to claim 45, wherein said first data includes component information identifying the information included in said first data and forming the component of said message creation supporting information, and/or identifying the information included in said first data(Kaneko, Figs.3-13, col.10, lines 31-63) and forming the component of said message browsing information(Wugofski, Fig.4, para.0021), and said message creation supporting information determines the information forming said message creation supporting information included in said first data based on said component information(Kaneko, Figs.3-13, col.10, lines 31-63). Motivation to combine set forth in claim 45.

As per claim 50, the data processing device according to claim 49, wherein said component information is included in a header area of said first data(Kaneko, Fig.10-11), and said message editing/creating unit determines the information forming said message creation supporting information included in said first data based on the component information included in the header area of said first data(Kaneko, Fig.10-11)

As per claim 51, the data processing device according to claim 45, further comprising: a communication unit for transmitting said second data(Wugofski, Fig.1).
Motivation to combine set forth in claim 45.

As per claim 52, the data processing device according to claim 45, wherein said obtaining unit receives said first data from an external data processing device(Wugofski, Fig.1). Motivation to combine set forth in claim 45.

As per claim 53, the data processing device according to claim 45, wherein said first data includes media data being the component of said message browsing information(Wugofski, Fig.1, 4,5) said message creation supporting information includes information representing a function of an external device started for editing said media data, and said message editing/creating unit edits the media data included in said message browsing information by accessing the external device using said message creation supporting information and by using the function provided from said external device(Wugofski, para.0021,0023). Motivation to combine set forth in claim 45.

As per claim 54, the data processing device according to claim 45, wherein said message creation supporting information includes information designating a provider providing data or function for assisting edition of the information forming said message

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browsing information in the information included in said first data, and said message editing/creating unit receives said data or said function for the edition assistance by accessing said provider according to the information designating said provider in said message creation assisting information, and performs a part or the whole of the edition of said message browsing information(Wugofski, Fig.4, para.0021,0023). Motivation to combine set forth in claim 45.

As per claim 55, the data processing device according to claim 45, wherein said first data is message data, and said message editing/creating unit creates said second data including, as a part or the whole of said message creation supporting information, information designating a provider of the template data used creating said message data(Kaneko, Fig.19,20, col.12, lines 23-30).

As per claim 56, the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID designating the template data used creating said message data, said data processing device further comprises a storing unit storing the obtained template data and the IDs designating said template data in a corresponding fashion, and said message editing/creating unit reads from said storing unit said template data corresponding to the ID designating said template data in said message creation supporting information, and performs a part or the whole of the edition of said message browsing information using said read template data(Kaneko, col.12, lines 41-50, col.17, lines 54-67).

As per claim 57, the data processing device according to claim 45, wherein said first data is message data, said message creation supporting information includes an ID

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designating the template data used creating said message data(Kaneko, col.12, lines 41-50, col.17, lines 54-67), said message editing/creating unit transmits an ID designating said template data in said message creation supporting information to an external device, obtains said template data corresponding to said transmitted ID from said external device, (Kaneko, col.18, lines 60-65) and performs a part or the whole of the edition of said message browsing information using said obtained template data(Kaneko, col.12, lines 41-50, col.17, lines 54-67).

As per claim 58, the data processing device comprising: an obtaining unit obtaining first data being message data including a plurality of items of information forming message creation supporting information used when creating the message data (col.10, lines 31-46); and a message editing/creating unit editing the information forming said message information in the information included in said first data by using information forming said message creation supporting information among said plurality of items of the information included in said obtained first data(Fig.3-13, col.10, lines 47-62), thereby editing said message information reproduced by said message reproducing unit(Fig.3-13, col.10, lines 47-62), and creating second data including the plurality of items of the information forming said message creation supporting information and said edited message information(Fig.3-13, col.10, lines 47-62), wherein each of said plurality of items of the information included in said first and second data is a component of one or both of said message creation supporting information and said message information(Fig.3-13, col.10, lines 47-62)..

Kaneko does not explicitly teach message browsing information used for browsing the message data; a message reproducing unit reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data.

Wugofski teaches message browsing information used for browsing the message data; a message reproducing unit reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data (Fig.4, para.0021).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kaneko to include a message reproducing unit reproducing said message data for browsing by using information forming said message browsing information among said plurality of items of the information included in said obtained first data as taught by Wugofski in order to create messages using a mobile terminal(Wugofski, para.0002).

One ordinary skill in the art would have been motivated to combine the teachings of Kaneko and Wugofski in order to create messages using a mobile terminal(Wugofski, para.0002).

As per claims 59-62, do not teach or further define over the limitations in claims 45-58. Therefore claims 59-62 are rejected for the same reasons set forth above.

Response to Arguments

The applicant have amended the claims to overcome the 101 rejection, para.0301, provides support for Computer readable medium as being statutory, e.g. CD-ROM, RAM, memory.

Applicant's arguments with respect to claims 46-62 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. T.
Backhean Tiv
Examiner, Art Unit 2451
4/6/10

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451